

Remarks

A. Introduction

Claims 6-8 and 13-16 were pending in the application prior to entry of the preceding amendments, and *claims 6-8 and 13-17* are pending now. The Examiner finally rejected the previously-pending claims under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,227,489 to Kitamoto, et al. Applicants continue to disagree with the rejection and again request that it be withdrawn.

As Applicants noted previously for the Examiner, important to the invention of the Kitamoto patent is that the seating units remain aligned longitudinally, so that “a front-row seat 3 is located in front of each side console 5, and a rear-row seat 3 is located immediately behind each side console 5.” See Kitamoto, col. 3, ll. 65-67. The units are aligned longitudinally

so that, when the seat 3 is set in the bed state and the passenger lies down stretching his legs, the passenger can place his legs on part of a footrest 130 . . . and in a storage section 6 in the side console 5 located in front of him . . . With this arrangement, the distance between the front and rear seats can be relatively decreased.

See id., col. 4, ll. 2-8. Consequently, should seats 3 of the Kitamoto patent not be aligned with the mounting tracks as shown in its Figures 1 and 4, this important objective described in the patent will not be fulfilled.

B. Claims 6-8 and 14-16

According to the Examiner, because Figure 1 of the Kitamoto patent purportedly shows slight curvature of the tracks to which seats are mounted, the tracks are, at least slightly, “not parallel to the seat longitudinal [axes].” See Office Action at p. 2. Although Applicants query whether the Examiner is interpreting

“parallel” unduly literally, for expediency they have revised independent claims 6 and 14 to recite that the longitudinal axes of the seat and track together define an angle (designated β in the application) that is *substantially greater than zero*. Thus, even assuming (but not conceding) the correctness of the Examiner’s contention that the tracks of the Kitamoto patent are not parallel to the longitudinal seat axis, the lack of parallelism is sufficiently slight that any angle formed by the tracks and the longitudinal seat axis would be very small.

C. Claim 17

As noted above, seating units of the Kitamoto patent are configured to be aligned longitudinally. Because Applicants’ seating units need not be configured in this manner, Applicants have added claim 17, which describes an aircraft cabin including:

a plurality of longitudinally-spaced passenger seating units attached to the track, each passenger seating unit comprising a seat defining a longitudinal seat axis substantially non-parallel to the longitudinal track axis, with the respective longitudinal seat axes of longitudinally adjacent seating units being parallel.

In essence, claim 17 recites that *both* (1) the longitudinal seat axes be *substantially non-parallel* to the longitudinal track axis *and* (2) the axes of longitudinally-adjacent seats be *parallel*.

Because claim 17 requires that the longitudinal seat axes be substantially non-parallel to the track axis, Applicants believe the claim should be allowable for reasons similar to those advanced in Section B. of this paper. However, if the Examiner retains his literal interpretation of “parallel” as meaning *only* “being an equal distance apart everywhere,” see Office Action at p. 2, clear is that axes of

longitudinally-adjacent seats of the Kitamoto patent do *not* comply with this interpretation. Stated differently, the Examiner cannot have it both ways: If slight deviation is permitted within the definition of “parallel,” then the longitudinal seat axes of the Kitamoto patent are parallel to the track. If slight deviation is not permitted within the definition of “parallel,” then the axes of longitudinally-adjacent seats of the Kitamoto patent are not parallel. Under either interpretation of “parallel,” therefore, claim 17 should be allowable.

Conclusion

Applicants request that the Examiner allow claims 6-8 and 13-17 and that a patent containing these claims issue in due course.

Respectfully submitted,



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